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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,248	07/29/2003	Stephen Mark Mueller	P23666	5445

7055   7590   07/26/2007
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EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

NOTIFICATION DATE	DELIVERY MODE
07/26/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 10/628,248	Applicant(s) MUELLER ET AL.
	Examiner Benjamin R. Bruckart	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-21* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070716

Detailed Action

Claims 1-7, 9-21 are pending in this Office Action.

Claim 8 is cancelled.

Claims 1-4, 6-7, and 9-16 are amended.

Information Disclosure Statement

The information disclosure statements filed 6-26-07 is considered.

Specification

The objection to the specification is withdrawn.

Claim Rejections - 35 USC § 112

The 35 U.S.C. 112 rejection is removed from claims 13 and 15 in response to applicant's

amendment.

Response to Arguments

Applicant's arguments filed in the amendment filed 6/26/07, have been fully considered

but are moot in view of new grounds of rejection. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6; 10-11; 13-14; 16-17, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 20040083291 by Pessi et al.

Regarding claim 1, a system for providing a presence component in a telecommunications network in which a session to a session terminator is requested by a session initiator upon receiving an instruction from a user (Pessi: pages 3-4, para 35, 37, 41), the system, comprising;

a presence server configured to receive a request for presence information from a requestor (Pessi: page 5, para 46; Fig. 4; proxy), which is configured to receive a session request from the session initiator and to generate the request for presence information (Pessi: page 5, para 46; Fig. 4), and to process the request by comparing the session initiator's identity to preferences of the session terminator and sending a preferred treatment to the requestor (Pessi: page 5, para 49),

wherein the session is initiated based upon the preferred treatment (Pessi: page 3, para 34).

Regarding claim 2, the system of claim 1, further comprising:

a collector configured to collect information from the session initiator (Pessi: page 5, para 46-47; additional information sent along with subscription).

Regarding claim 3, the system of claim 2, in which the session initiator further comprises a user agent client that forwards the request to the requestor, and a call user agent client that initiates the session (Pessi: page 3, para 34, 36; page 5, para 49).

Regarding claim 6, the system of claim 2, in which the <u>requestor is further configured to request</u> additional information about the session <u>request</u> and <u>process the session</u> request based upon the additional information (Pessi: pages 4-5, para 45).

Regarding claim 4, the system of claim 1, in which the session initiator further comprises a call user agent client that initiates the session <u>and a trigger generator that generates a trigger message</u> (Pessi: page 3-4, para 34, 36).

Regarding claim 10, a system for providing a presence component in a public switched telephone network <u>the system</u> (Pessi: pages 3-4, para 35, 37, 41; page 11, para 123), comprising:

a service control point that receives a query from <u>a</u> service switching point in response to <u>a</u> call origination <u>from a calling party to a called party</u>, the query identifying the calling party and the called party (Pessi: page 4, para 41; page 5, para 46, 49); and

a presence server that receives a request for presence information from the service control point, the request identifying the calling party and the called party, the presence server processing the request by comparing the calling party identity to preferences of the called party and returning a preferred treatment to the service control point (Pessi: page 5, para 49),

wherein the service control point instructs the service switching point to establish the call when the preferred treatment indicates that the called party will accept the call (Pessi: page 3, para 34; page 5, para 49).

Regarding claim 11, the system of claim 10, further comprising:

an intelligent peripheral that collects additional information from the calling party (Pessi: page 6, para 51-52),

wherein the presence server processes the request based on the additional information (Pessi: page 6, para 51-52).

Regarding claim 13, a system for providing a presence component in a wireless telecommunications network in which a session is requested by a mobile device (Pessi: pages 3-4, para 35, 37, 41; page 11, para 123), the system comprising:

a requestor configured to receive a session request from the mobile device and to generate a request for presence information (Pessi: page 4, para 41; page 5, para 46, 49); and

a presence server configured to receive the request for presence information and to process the request by comparing the mobile device's identity to preferences of a session terminator and sending session set up information to the requestor to set up the session (Pessi: page 5, para 49),

wherein the session is initiated based upon the session set up information (Pessi: page 3, para 34; page 5, para 49).).

Regarding claim 14, the system of claim 13, wherein the requestor resides in the wireless network, the requestor being further configured to request preferred session parameters from the mobile device, the requestor forwarding the session request, including the preferred session parameters to the presence server (Pessi: pages 4-5, para 45).

Regarding claim 16, a method for incorporating presence into a telecommunications environment (Pessi: pages 3-4, para 35, 37, 41; page 11, para 123), the method comprising:

receiving a session request from a session initiator in response to a user instruction (Pessi: page 4, para 41; page 5, para 46);

generating a request for presence information in response to the received session request (Pessi: page 4, para 41; page 5, para 46, 49);

sending the request for presence information to a presence platform to obtain presence information for another telecommunications user (Pessi: page 4, para 41; page 5, para 46, 49);

receiving preferred treatment information from the presence platform (Pessi: page 4, para 41; page 5, para 46, 49); and

initiating a telecommunications session with the other user in response to the obtained

presence information and the preferred treatment information (Pessi: page 3, para 34; page 5,

para 49).

Regarding claim 17, the method of claim 16, further comprising:

forwarding preferred session parameters to the presence platform (Pessi: page 4, para 41);
and

determining the presence information based on the preferred session parameters (Pessi:

page 5, para 49).

Regarding claim 20, the method of claim 16, in which the preferred session parameters comprise

at least one of session type, urgency, and subject (Pessi: page 1, para 9).

Regarding claim 21, the method of claim 16, further comprising:

requesting additional information about the session request (Pessi: page 6, para 51-52);
and

processing the session request based upon the additional information (Pessi: page 6, para

54-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

**Claims 5, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S.
Patent Publication 20040083291 by Pessi et al in view of U.S. Patent No. 20040131042 by
Lillie et al.**

Regarding claim 5, the Pessi reference teaches the system of claim 4. The Pessi reference fails to state an INVITE message.

However, the Lillie reference teaches a session initiator initiates the session by sending an INVITE message to the session terminator based upon the preferred treatment (Lillie: page 1, para 9; page 3, para 34) in order to establish a connection between two endpoints in a session (Lillie: page 1, para 9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include INVITE messages as taught by Lillie in order to establish a connection between two endpoints in a session (Lillie: page 1, para 9).

Regarding claim 7, the Pessi reference teaches the system of claim 1. The Pessi reference fails to state an INVITE message.

However, the Lillie reference teaches a session initiation protocol (SIP) proxy server including service logic that receives the <u>session</u> request from the session initiator (Lillie: page 4, para 42), wherein the SIP proxy server initiates the session by sending an INVITE message to the session terminator based upon the preferred treatment (Lillie: page 4, para 42) in order to establish a connection between two endpoints in a session (Lillie: page 1, para 9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include INVITE messages as taught by Lillie in order to establish a connection between two endpoints in a session (Lillie: page 1, para 9).

Regarding claim 9, the Pessi reference teaches the system of claim 1. The Pessi reference fails to state a controller.

However, the Lillie reference teaches a session <u>controller configured to control initiation of</u> the session (Lillie: page 3, para 36-37) in order to make the appropriate quality of service for a given session (Lillie: page 3, para 36).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include a controller as taught by Lillie in order to make the appropriate quality of service for a given session (Lillie: page 3, para 36).

Claims 12, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication 20040083291 by Pessi et al in view of U.S. Patent No. 20040203644 by Lei et al.

Regarding claim 12, the Pessi reference the system of claim 10. The Pessi reference fails to teach notifying the calling party.

However, the Lei reference teaches an intelligent peripheral that informs the calling party when the preferred treatment indicates that the called party does not accept the call, and the service control point does not instruct the service switching point to establish the call when the preferred treatment indicates that the called party does not accept the call (Lei: page 4, para 47) in order to let the caller establish a one way session and leave a message or terminate the session (Lei: page 4, para 47).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include a notifying a rejected call as taught by Lei in order to let the caller establish a one way session and leave a message or terminate the session (Lei: page 4, para 47).

Regarding claim 15, the Pessi reference teaches the system of claim 14, in which the mobile device comprises:

a user agent client receiving the <u>session setup</u> information from the <u>requestor</u> (Pessi: page 5, para 45-46); and

a call user agent client that initiates the session based on the <u>session set up</u> information, which is received from the user agent client (Pessi: page 5, para 49).

The Pessi reference fails to state prompting the user for information.

However, the Lei a user agent client that forwards the <u>session</u> request to the <u>requestor</u> and prompts a user to enter the preferred session parameters (Lei: page 4, para 45-47),

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include a prompting a user as taught by Lei in order to let a user decide whether it wants to establish a accept or reject a session request (Lei: page 4, para 47).

Regarding claim 19, the Pessi reference teaches the method of claim 16 and obtained presence information indicates that the session terminator is unavailable or busy (Pessi: page 5, para 49).

The Pessi reference fails to state notifying the initator the session was rejection.

The Lei reference teaches the initiating further comprises not initiating the session and informing the session initiator that the session request was rejected (Lei: page 4, para 47) in order to let the caller establish a one-way session and leave a message or terminate the session (Lei: page 4, para 47).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include a notifying a rejected call as taught by Lei in order to let the caller establish a one way session and leave a message or terminate the session (Lei: page 4, para 47).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication 20040083291 by Pessi et al in view of U.S. Patent No. 7123707 by Hiri et al.

Regarding claim 18, the Pessi reference teaches the method of claim 16. The Pessi reference fails to teach voicemail.

However, the Hiri reference teaches obtained presence information comprises instructions to forward to voice mail (Hiri: col. 3, lines 30-60), and

in which the initiating further comprises connecting to the voice mail (Hiri: col. 7, lines 47- col. 8, line 3) in order to communicate without interrupting a previous session (Hiri: col. 1, lines 45-57).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Pessi to include voicemail as taught by Hiri in order to let the caller leave a message if a session isn't established and not interrupt current sessions (Hiri: col. 1, lines 45-57).

Prior Art

U.S. Patent Publication No. 20040177134 by Lonnfors et al teaches presence server with presence document distribution and registration.

U.S. Patent Publication No. 2007/0123284 by Schliwa-Bertling et al teaches a push to talk server with a proxy for registration.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.
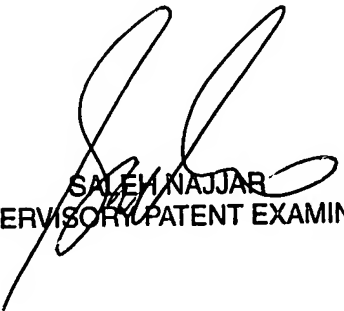
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the

organization where this application or proceeding is assigned are (571) 273-8300 for regular

communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER